

the protester a written notice withdrawing the protest. A copy of this notice and any amendment shall be provided to MMK.

(8) If a written protest before award has been lodged with the contracting officer, only the bureau chief procurement officer may make the determination described in FAR 33.103(a). Prior to making an award of a contract under the circumstances in FAR 33.103(a), the advice of legal counsel shall be obtained.

(9) If a written protest after award has been lodged with the contracting officer, the bureau chief procurement officer may authorize contract performance notwithstanding the pending protest if he or she makes a written determination that (i) performance of the contract is in the Government's best interest, or (ii) urgent and compelling circumstances significantly affecting interests of the United States do not permit waiting for the protest decision. A copy of this determination shall be forwarded to MMK.

(Approved by the Office of Management and Budget under control number 1505-0107)

[53 FR 12771, Apr. 19, 1988]

## Subpart 1033.2—Appeals

### 1033.270 Treasury contract appeals.

The General Services Administration Board of Contract Appeals has been designated to serve as the authorized representative of the Secretary of the Treasury in hearing, considering, and determining all appeals of decisions of contracting officers filed by contractors pursuant to Subpart 33.2 of the FAR (other than contracts of the Comptroller of the Currency). Where "agency Board of Contract Appeal" appears in FAR Subpart 33.2 this shall be deemed to mean the General Services Administration Board of Contract Appeals. Appeals of contracting officer decisions under FAR Subpart 33.2 shall be governed by the Rules of the General Services Administration Board of Contract Appeals (48 CFR chapter 61, (part 6101)).

[50 FR 31844, Aug. 7, 1985; 51 FR 6741, Feb. 26, 1986]

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